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Patent Administrator
Katten Muchin Zavis Rosenman
525 West Monroe Street
Suite 1600
Chicago, IL 60661-3693

Paper No.

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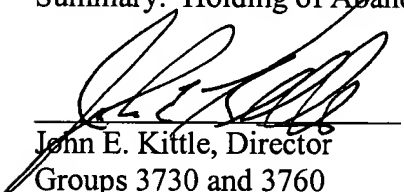
In re Application of	:	DECISION ON PETITION
Donald R. Ricci	:	TO WITHDRAW
Serial No. : 09/780,940	:	HOLDING OF
Filed : February 12, 2001	:	ABANDONMENT
For : Stent Delivery System and Method of Use	:	

This is a decision on petitioner's request filed May 3, 2004, requesting review of the holding of abandonment mailed April 1, 2004, for failure to file a proper response to the final Office action mailed August 28, 2003. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of a Notice of Appeal, a copy of a three-month extension of time request, and a copy of a PTO stamped receipt dated March 1, 2004 as evidence of a timely proper response to the final Office action of August 28, 2003. It is noted that February 28th fell on a Saturday. In addition, petitioner has submitted a copy of an amendment and a copy of a PTO stamped receipt dated April 7, 2004 as evidence of a timely filing of a response.

In view of the above, the Notice of Abandonment mailed April 1, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner for consideration of the amendment filed April 7, 2004 in accordance with the guidelines set forth in section 1207 of the MPEP.

Summary: Holding of Abandonment Withdrawn.


John E. Kittle, Director
Groups 3730 and 3760
Phone: (703) 308-0873

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